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Attorneys for Defendants
VERITY, INC., and THE VERITY INC.
CHANGE IN CONTROL AND
SEVERANCE BENEFIT PLAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

E-FILING

HUGO SLUIMER,

Plaintiff,

v.

VERITY, INC., a corporation, and THE
VERITY INC. CHANGE IN CONTROL AND
SEVERANCE BENEFIT PLAN,

Defendants.

)
) **CASE NO. C 081220 SI**

)
) **JOINT CASE MANAGEMENT**
) **CONFERENCE STATEMENT AND**
) **[PROPOSED] ORDER**
) **[FRCP 26(a)(1); Civil L.R. 16-9]**

) Date: June 6, 2008

) Time: 2:00 p.m.

) Ctrm: 10, The Honorable Susan Illston

1 The parties submit this Joint Case Management Conference Statement and Proposed
2 Order, and request the Court to adopt it as its Case Management Order in this case.

3 **DESCRIPTION OF CASE**

4 1. Description of the Case.

5 This is a case for ERISA benefits under THE VERITY INC. CHANGE IN CONTROL
6 AND SEVERANCE BENEFIT PLAN (the "Plan") issued by defendant VERITY, INC.

7 2. The principal factual issues which the parties dispute.

8 a. Whether plaintiff is eligible for severance benefits under the Plan.

9 3. The principal factual and legal bases for plaintiff's claims and defendant's
10 defenses are:

11 a. Whether plaintiff suffered a Covered Termination as defined by the Plan.

12 b. Whether plaintiff satisfied the plan's conditions precedent to eligibility for
13 benefits.

14 c. What documents make up the administrative record?

15 d. Whether plaintiff's claim was administered by the Plan Administrator.

16 e. The standard and scope of review to be applied by the court in reviewing
17 the decision to deny plaintiff's claim for benefits.

18 4. Defendant has filed a motion to dismiss or in the alternative a motion for
19 summary judgment, which is set to be heard on July 18, 2008. Plaintiff intends to bring a motion
20 for summary judgment set to be heard on the same day.

21 5. All parties have been served.

22 6. The parties do not anticipate the joinder of additional parties.

23 7. The parties do not consent to assignment of the case to a United States Magistrate
24 Judge for trial.

25 **ALTERNATIVE DISPUTE RESOLUTION**

26 The parties have filed a Stipulation and Proposed Order Selecting an ADR process. The
27 parties are meeting and conferring regarding the date of the mediation.

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INITIAL DISCLOSURES

The parties will make their disclosures on May 30, 2008. The parties have agreed to produce a copy of all documents in their possession, custody or control that they have identified that may use to support their claims or defenses.

DISCOVERY

The parties have agreed to develop a discovery plan after the July 18, 2008 hearing, unless the Court determines that discovery is necessary to resolve the motions.

TRIAL SCHEDULE

The parties request that these deadlines be set on or after the July 18, 2008 hearing

- a. Dispositive motion deadline:
- b. Pretrial Conference:
- c. Trial:

Pursuant to local rules, this document is being electronically filed through the Court's ECF System. In this regard, counsel for defendant hereby attests that (1) the content of this document is acceptable to all persons required to sign the document; (2) plaintiff's counsel has concurred with the filing of this document; and (3) a record supporting this concurrence is available for inspection or production if so ordered.

DOLL AMIR & ELEY LLP

DATED: May 29, 2008

By: /s/ **MARY TESH GLARUM**
MARY TESH GLARUM
Attorneys for Defendants
VERITY, INC., and THE VERITY INC.
CHANGE IN CONTROL AND
SEVERANCE BENEFIT PLAN

RIMAC MARTIN, P.C.

DATED: May 29, 2008

By: /s/ **WILLIAM REILLY**
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Attorneys for Plaintiff
HUGO SLUIMER